

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: ALLERGAN BIOCELL TEXTURED
BREAST IMPLANT PRODUCTS LIABILITY
LITIGATION**

: Case No. 2:19-md-02921 (BRM)(JAD)
: MDL NO. 2921
:
: JUDGE BRIAN R. MARTINOTTI
: JUDGE JOSEPH A. DICKSON

THIS DOCUMENT RELATES TO: ALL CASES

CASE MANAGEMENT ORDER #4

The Court, having reviewed all applications for Plaintiffs' leadership positions, and after consideration of such applications and the consensus recommendations of interested counsel, hereby establishes and formally appoints the following individuals to the following leadership positions:

James Cecchi (Liaison Counsel)
Carella, Byrne, Cecchi, Olstein, Brody &
Agnello, PLC
5 Becker Farm Road
Roseland, NJ 07068-1739

Jennifer Lenze (Co-Lead Counsel)
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1300 Highland Ave., Ste. 207
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Elizabeth A. Fegan (Co-Lead Counsel)
Fegan Scott LLC
150 S. Wacker Dr., 24th Floor
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Laura Fitzpatrick (Executive Committee)
Simmons Hanly Conroy
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Virginia Buchanan (Co-Lead Counsel)
Levin, Papantonio, Thomas, Mitchell,
Rafferty & Proctor, P.A.
316 S. Baylen St., Ste. 600
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Shanon Carson (Co-Lead Counsel)
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1818 Market St., Suite 3600
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Julie Kane (Executive Committee)
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Tina Wolfson (Executive Committee)
Ahdoot & Wolfson, P.C.
10728 Lindbrook Dr.
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Adam Polk (Executive Committee)
Girard Sharp LLP
601 California St., Ste. 1400
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Peter Prieto (Executive Committee)
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Adam Slater (Executive Committee)
Mazie Slater Katz & Freeman LLC
103 Eisenhower Pkwy.
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Pete Kaufman (Executive Committee)
Panish Shea & Boyle LLP
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Lori Kier (Steering Committee)
Sauder Schelkopf LLC
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Esther Berezofsky (Steering Committee)
Motley Rice LLC
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Dena Young (Steering Committee)
Ross Feller Casey
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Rachel Soffin (Steering Committee)
Greg Coleman Law
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Jean Martin (Steering Committee)
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Tiasha Palikovic (Steering Committee)
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David Randolph Smith (Steering Committee)
David Randolph Smith & Associates
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C. Moze Cowper (Steering Committee)
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Matthew Dameron (Steering Committee)
Williams Dirks Dameron LLC
1100 Main St., Ste. 2600
Kansas City, MO 64105

Jonathan Shub (Steering Committee)
Kohn Swift & Graf, P.C.
1600 Market Street, Suite 2500
Philadelphia, PA 19103

Christopher C. Gold (Steering Committee)
Robbins Geller Rudman & Dowd LLP
120 East Palmetto Park Road
Suite 500
Boca Raton, FL 33432

Mark Robinson (Settlement Committee)
Robinson Calcagnie, Inc.
19 Corporate Plaza Dr.
Newport Beach, CA 92660

Christopher Seeger (Settlement Committee)
Seeger Weiss LLP
55 Challenger Rd., 6th Floor
Ridgefield Park, NJ 07660

Further, the Court appoints as Co-Lead Counsel, Shanon Carson, Elizabeth Fegan, Jennifer Lenze, and Virginia Buchanan and as Liaison Counsel, James Cecchi. Together, and along with Julie Kane, Laura Fitzpatrick, Tina Wolfson, Adam Polk, Peter Prieto, Adam Slater, and Pete Kaufman, they shall comprise the Plaintiffs' Executive Committee. The Settlement Committee shall consist of Liaison Counsel, Co-Lead Counsel, Christopher Seeger, and Mark Robinson. It shall be the Co-Lead Counsel's duty to coordinate, supervise, and direct the responsibilities of the Executive Committee and Steering Committee, schedule meetings of those committees, keep minutes or transcripts of these meetings, appear at periodic court noticed status conferences and other hearings, perform other necessary administrative or logistic functions of the Executive Committee and Steering Committee, and carry out any other duties as the Court may order. All appointments stated herein are of a personal nature. Accordingly, the above appointees cannot be substituted by other attorneys, including members of the appointee's law firm, to perform their duties, such as attending committee meetings and court appearances, except with prior approval of the Court. Although no permanent substitutions can be made without leave of court, temporary or occasional substitutions are permitted with approval of one or more of the Co-Lead Counsel due to scheduling conflicts or illness.

Co-Lead Counsel will have the following responsibilities and may delegate tasks to others appointed in this Order as they deem appropriate:

Discovery

- (1) Initiate, coordinate, and conduct all pretrial fact and expert discovery on behalf of Plaintiffs in all actions that are consolidated in this MDL.
- (2) Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of all Plaintiffs.
- (3) Cause to be issued in the name of all Plaintiffs the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation. Similar requests, notices, and subpoenas may

be caused to be issued by Co-Lead Counsel or their delegates upon written request by an individual attorney in order to assist him/her in the preparation of the pretrial stages of his/her client's particular claims.

(4) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of all Plaintiffs.

Hearings and Meetings

(1) Call meetings of counsel for Plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.

(2) Examine witnesses and introduce evidence at hearings on behalf of Plaintiffs.

(3) Act as spokesperson for all Plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any Plaintiff's counsel to present nonrepetitive individual or different positions.

Miscellaneous

(1) Prepare, submit, and argue any verbal or written motions presented to the Court or Magistrate on behalf of Plaintiffs (or delegate same to another person appointed in this Order) as well as oppose when necessary any motions submitted by the Defendants or other parties that involve matters within the sphere of the responsibilities of Co-Lead Counsel.

(2) Negotiate and enter into stipulations with Defendants regarding this litigation. All stipulations, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation. Any attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection thereto within five (5) days after he/she knows or should have reasonably become aware of the stipulation. Failure to object within the term allowed shall be deemed a waiver and the stipulation will automatically be binding on that party.

(3) Explore, develop, and pursue all settlement and alternative dispute resolution options pertaining to any claim or portion thereof of any case filed in this litigation.

(4) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL Plaintiffs or their attorneys.

(5) Perform any task necessary and proper to accomplish their responsibilities as defined by the Court's orders, including organizing subcommittees comprised of Plaintiffs' attorneys not on the PSC and assigning them tasks consistent with the duties of the PSC members.

(6) Keep counsel of all Plaintiffs advised of all pertinent developments in the MDL.

(7) Perform such other functions as may be expressly authorized by further orders of this Court.

Dated: February 25, 2020

/s/Brian R. Martinotti

BRIAN R. MARTINOTTI

UNITED STATES DISTRICT JUDGE